IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 24969 of 2004

Between:

Potluri Poliswamy, S/o. Brahmaiah, aged 34 years,
Nidumolu, Movva Mandal, Krishna District.

..... PETITIONER

AND

1. Deputy Director Fisheries,

Ex-official Joint Registrar Fishermen

Co-op Societies, Krishna District.

2. Assistant Deputy Director of Fisheries,

Fisheries Department, Machilipatnam.

3. The Nidumolu Fisherman Co-op Society,

Regd. No. E-75 Nidumolu Village,

Movva Mandal, Krishna District,

Rep. by its President, Eede Hanumantha Rao.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not granting admissions as

members of the 3rd respondent society. Inspite of the report dt. 13-10-2004 submitted by the Assistant Inspector of Fisheries, Challapalli, Krishna District as arbitrary, illegal and contrary to the provisions of the A.P. Co-operative Societies Act, 1964 and pass such other order or orders.

Counsel for the Petitioner: MR.B.SOMASEKHAR

Counsel for the Respondents 1 & 2: GP FOR FISHERIES

The Court at the admission stage made the following:

ORDER:

The writ petition is filed to declare the action of the respondents in not granting admissions as members of the 3rd respondent society in spite of the report dated 13.10.2004 submitted by the Assistant Inspector of fisheries, Challapalli, Krishna District, as arbitrary and illegal and contrary to the provisions of the A.P. Co-operative societies Act, 1964.

2. Learned counsel for the petitioner contended that the petitioner and other eligible candidates have to be admitted as members of the 3rd respondent society as they are fully eligible and qualified. Therefore, he prays to issue necessary directions.

3. On the other hand, the learned Government Pleader opposed the same. Whether the petitioners can be admitted into the society or not is required to be decided and determined by the respondents in accordance with the rules and regulations.

4. Hence, a direction can be given to the respondents to consider the feasibility of the petitioner to admit into the society in accordance with the rules and regulations.

5. The writ petition is, accordingly, disposed of. No costs.

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K.C.BHANU,J.

Date: 31st December 2004.

BSB

ASSISTAMT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Deputy Director Fisheries,

Ex-official Joint Registrar Fishermen

Co-op Societies, Krishna District.

2. The Assistant Deputy Director of Fisheries,

Fisheries Department, Machilipatnam.

3. The President, Nidumolu Fisherman Co-op Society,

Regd. No. E-75 Nidumolu Village,

Movva Mandal, Krishna District,

4.Two CCs to the Government Pleader for Fisheries, High Court of A.P.,

Hyderabad (OUT).

5.Two CD copies